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1 SUPREME COURT OF THE STATE OF NEW YORK

2 COUNTY OF NASSAU : CRIMINAL TERM PART 49

3 -----X

4 THE PEOPLE OF THE STATE OF NEW YORK, : Indictment

5 : No. 2415N/08

6 -against- : :

7 : NYSID No. 2253591 Z

8 HAROLD GOPAUL, : :

9 Defendant. : :

10 -----X

11

12 July 15, 2009  
13 262 Old Country Road  
14 Mineola, New York

15

16 B E F O R E:

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18 HONORABLE JAMES McCormack,  
19 Acting Supreme Court Justice

20

21 A P P E A R A N C E S:

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23 HON. KATHLEEN M. RICE  
24 Nassau County District Attorney  
25 For the People  
26 BY: JAMIE JOHNSON, ESQ.,  
27 Assistant District Attorney  
28 of Counsel

29

30 DONALD R. SCHECHTER, ESQ.  
31 Attorney for Defendant  
32 80-02 Kew Gardens Road  
33 Kew Gardens, New York 11415

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35

36 -SENTENCE-

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40 KAREN M. MASLER  
41 Senior Court Reporter

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1 THE CLERK: On the sentence calendar, the  
2 People of the State of New York against Harold Gopaul,  
3 Indictment Number 2415N of 2008.

4 MS. JOHNSON: For the People, assistant  
5 district attorney, Jamie Johnson.

6 MR. SCHECTER: On behalf of the defendant,  
7 Harold Gopaul, Donald R. Schechter, 80-02 Kew Gardens  
8 Road, Kew Gardens, New York.

9 Before we proceed, my client has asked me,  
10 and I have followed his instructions to provide this  
11 Court ex-parte with a yellow piece of paper that he  
12 composed himself while sitting in jail. I have not had  
13 the opportunity to look at that. The fact my client  
14 had requested that I not look at it, but I need to know  
15 if there's anything within the parameters of that paper  
16 which creates a conflict between the paper and myself,  
17 such that I should not represent him any further.

18 THE COURT: To answer your question, I'm  
19 assuming you are talking about your Queens -- I'm  
20 assuming you represented him on the Queens matter?

21 MR. SCHECTER: I do and I represent him here  
22 for sentence. I need to know since I had not had the  
23 opportunity to look at it. I need to know if he has  
24 voiced any kind of criticism or anything such that  
25 could create a conflict between he and myself, that he

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1 should not be represented by me and should have a  
2 lawyer that is not part of that conflict. In which  
3 case, I would have to be relieved in Queens County as  
4 well.

5 THE COURT: Why don't both of you approach  
6 for a moment?

7 (Whereupon, there was an off-the-record  
8 discussion.)

9 THE COURT: All right, Mr. Gopaul, I have  
10 read the letter that was provided to me by one of my  
11 officers this morning. It's a three-page letter.  
12 Although, it's not signed by you. I'm assuming it was  
13 written by you.

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: And in the first instance, you  
16 are not asking for Mr. Schecter to be relieved; is that  
17 correct?

18 THE DEFENDANT: That's right, your Honor.

19 THE COURT: And you made comment with respect  
20 to, in your opinion, either having been misled or  
21 having been misrepresented. You don't really get into  
22 specifics. However, in the next paragraph you talk  
23 about in conversation, I'm assuming with the law  
24 librarian with the Nassau County Correctional Center,  
25 in which you were asked about your plea bargain, and

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1           how much jail time was involved, and you said that you  
2           had no answer; is that right?

3                     THE DEFENDANT: Yes, your Honor.

4                     THE COURT: Is that what you're referring to  
5           when you talk about having been misled by your attorney  
6           and misrepresented?

7                     THE DEFENDANT: That is one of it, yes.  
8           That's one of it. I talk about it. I didn't mean it  
9           -- mean it the way Mr. Schecter put it to me. I meant  
10          it in a way there was things I had that we could have  
11          used in the case and I didn't use them. I didn't mean  
12          it in the way he is talking that it is so insulting  
13          (sic).

14                    MR. SCHECTER: I'm not taking that as an  
15          insult.

16                    THE COURT: Sit down. I want to --

17                    THE DEFENDANT: I meant it in a way maybe we  
18          could work on it a little harder on what we did from  
19          the -- some of the information we had, and some of the  
20          evidence we had and we never used it. That's the way I  
21          was talking about the plea bargain. When the librarian  
22          talked to me, we talked about it. When we visit the  
23          librarian that he asked what was offered me, a plea  
24          bargain. And I said, Yes. He said, What was it? I  
25          said, He offered me some probation and jail time. He

1       asked me how much, and I didn't know. So, I asked, I  
2       asked -- I remembered with Judge Donnino, we talked  
3       about three and-a-half years or something, and he told  
4       you this is it. I didn't want to tell the librarian  
5       the years that was involved, the jail time years  
6       involved.

7               THE COURT: In other words, that was a  
8       decision you made about not wanting to tell the law  
9       librarian about how much jail time was involved?

10              THE DEFENDANT: Right. I thought it was the  
11       jail plus the probation.

12              THE COURT: You knew how much jail time was  
13       involved because I, in fact, told you that?

14              THE DEFENDANT: Yeah.

15              THE COURT: I not only told you what Judge  
16       Donnino said, which at one point was three or three  
17       and-a-half years concurrent to the Queens sentence.

18              THE DEFENDANT: Right.

19              THE COURT: But also at one point during the  
20       course of the case, the district attorney's office  
21       offered you the opportunity to plead to one count in  
22       exchange for no jail and probation.

23              MR. SCHECTER: That's Nassau.

24              THE COURT: Mr. Schecter.

25              THE DEFENDANT: Yeah, I understand that. But

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1 I thought it was running with the jail time from the  
2 other judge and I didn't know -- I know nothing about  
3 the law. I know nothing about it. That's why he  
4 explained about the judicial system. I don't know  
5 anything, and I want -- one of the reasons why is  
6 because I and Mr. Schecter had arguments from  
7 understanding each other, and that's one of the reasons  
8 that we went to trial with this, and because he told me  
9 it was jail time involved.

10 THE COURT: You thought there was jail time  
11 involved?

12 THE DEFENDANT: I thought it was still jail  
13 time involved with the last offer they gave me. I  
14 think they were bringing an offer over from Judge  
15 Donnino with this one.

16 THE COURT: Let's be clear. The only case  
17 that I spoke to you about was this case.

18 THE DEFENDANT: Right. Yes, your Honor.

19 THE COURT: And I think it was very clear.  
20 In fact, I went out of my way to make it clear to you,  
21 what you were facing in terms of the sentencing in this  
22 case, if you were convicted; the fact of what the  
23 maximum period of time was; the fact there was a  
24 potential for consecutive time. And I also  
25 specifically remember on at least two occasions telling

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1       you what the offer was. And quite frankly, it was  
2       Mr. Schecter that, he, himself, put the terms of the  
3       offer on the record. He told you and indicated to the  
4       Court and made the representation that, in fact, he  
5       told you what the plea offer was. He discussed it with  
6       you. And I think, if my memory may be somewhat clear,  
7       I believe at one point it was Mr. Schecter's  
8       recommendation that you accept the offer, particularly,  
9       when it came to straight probation. And then I  
10      repeated what the offer was, what the plea offer was to  
11      you. You indicated to me you understood it, and you  
12      wished to proceed to trial. That's my recollection of  
13      what took place here.

14               THE DEFENDANT: I remember what you said,  
15      your Honor. I still thought they was still bringing  
16      the probation agency, still bringing jail time from  
17      Judge Donnino. I didn't know it was just a probation  
18      at that time. It was the law librarian who started to  
19      talk to me and said it could be either or. Then I said  
20      that's what the problem was.

21               THE COURT: Well, in my view, Mr. Gopaul, it  
22      was made crystal clear to you what the offer was, what  
23      the plea offer was in this case. In an unusual  
24      situation, the district attorney's office for some  
25      unexplainable reason in my view decided to offer



1       probation at one point and we sat right here and in  
2       this courtroom, as we are talking now, and it was made  
3       clear by your attorney, number one, in the first  
4       instance and two, followed-up by myself.

5               So, I'm somewhat skeptical when you say you  
6       did not understand what the terms of the plea offer was  
7       and that you were facing. You still thought you were  
8       facing jail at one point. At one point, the plea offer  
9       did involve jail but obviously it changed at one point.  
10      I didn't understand probation was no jail. When the  
11      law librarian asked me -- he asked me how many jail  
12      time was involved with the probation. I said, Well, I  
13      said, I don't know. That's where we have -- that's  
14      where I have a misunderstanding.

15             THE COURT: I think, Mr. Gopaul, the record  
16      that was made at that point of the case, was fairly  
17      clear what the terms of the plea offer was. And, in  
18      fact, it was at one point straight probation. Having  
19      said all of that, is it your wish at this point to  
20      continue with sentencing?

21             THE DEFENDANT: I don't understand. I don't  
22      understand what you mean.

23             THE COURT: You indicated a moment ago you do  
24      not wish to discharge Mr. Schecter and hire a new  
25      attorney; is that right?

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1 THE DEFENDANT: I don't want him to leave. I  
2 need Mr. Schechter.

3 THE COURT: Is it your wish at this time to  
4 proceed with sentencing?

5 THE DEFENDANT: I believe, yes.

6 THE COURT: Okay. Mr. Schechter, do you want  
7 to be heard?

8 MR. SCHECTER: If I may, Judge, yes.

9 My concern with Mr. Gopaul's letter was that  
10 he had requested that I not look at the letter when the  
11 letter went to your Honor. And I honored his wish, I  
12 didn't look at it. I don't understand why he would  
13 request I not look at the letter. And then when the  
14 letter was brought out, and I was informed that  
15 Mr. Gopaul made an allegation in the letter that I  
16 misled him and misrepresented him, my concern is that  
17 there is alleged misconduct on my part. And I believe  
18 the code of ethics require if Mr. Gopaul believes I've  
19 committed a violation of ethics, I misled him, I did  
20 not tell him everything involved; how could I continue  
21 to represent him? And that's why I'm confused.

22 I was talking to him beforehand, and he  
23 indicated, as he did on the record, he wants me to  
24 continue to represent him, including the case in  
25 Queens.

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1                   THE COURT: Forget about Queens. I'm not  
2                   concerned about Queens. As far as I'm concerned,  
3                   Queens has no bearing on what we have right now.

4                   MR. SCHECTER: When the plea offer was  
5                   communicated that your Honor made reference to,  
6                   Mr. Gopaul alluded to the fact whether or not probation  
7                   entailed a certain amount of jail. I think Mr. Gopaul  
8                   was referring to the matter in Queens, which still  
9                   remained unresolved for which no offer of probation was  
10                  offered.

11                  Based upon my conversation with that  
12                  assistant district attorney, no offer of probation  
13                  would be forthcoming. That, it would be, in fact,  
14                  prison. So all of those things were made known to  
15                  Mr. Gopaul. I don't understand anything concerning the  
16                  misleading. I would ask the Court to ask Mr. Gopaul if  
17                  he still believes I misled him, because if he still  
18                  believes I misled him, I believe, under the law, the  
19                  code of ethics, I can't represent him.

20                  THE COURT: Mr. Schecter, I did make inquiry  
21                  of your client and as you asked, I did indicate to you  
22                  what the content of the letter was, if it had any  
23                  bearing with respect to you here at the bench, and I've  
24                  gone over it with your client. And it would appear to  
25                  me that he thinks that he was not apprised fully of the

1 plea offer in this case. Which, in my view, as I  
2 indicated a moment ago, in speaking to your client,  
3 that he was made fully aware of what the plea offer was  
4 in this case.

5 So at this point, I'm not inclined to  
6 conduct any further inquiry of him. He continues to  
7 wish you to represent him and he wishes to proceed with  
8 sentencing?

9 MR. SCHECTER: Yes, your Honor.

10 THE COURT: Is there anything you want to say  
11 on behalf of Mr. Gopaul with respect to sentencing?

12 MR. SCHECTER: Yes, your Honor.

13 If the Court pleases, I have submitted to the  
14 Court many, many, many letters from people who know  
15 Mr. Gopaul, including his other two children, Darien  
16 and Kaitlyn. And, of course, under the plea they miss  
17 their father and want him back in their lives and wrote  
18 a letter to the Court, without the knowledge of their  
19 mother, apparently, requesting the Court be merciful  
20 with Mr. Gopaul. Other people have also sent letters  
21 to the Court attesting Mr. Gopaul's character, how he  
22 has gone out of his way to do things for people in the  
23 community, how they trusted their children with him,  
24 how they trusted him with doing things for them when  
25 they were not able to do it. And because he had not

1       been working at the time, rather than even thinking  
2       about it, he would go and extend himself for other  
3       people in the community.

4               We're focusing here, your Honor, on a certain  
5       period of time in Mr. Gopaul's life. I believe the  
6       Court is going into and Ms. Johnson will go into the  
7       fact Mr. Gopaul denied his guilt to the probation  
8       officer. Mr. Gopaul, to this point, to the best of my  
9       knowledge, continues to deny his guilt in this matter.

10              Aside from that, Judge, I'm requesting that  
11       the Court consider several factors, including the fact  
12       that Mr. Gopaul was, in fact, prior to his going to  
13       trial, was offered probation in this matter. That he,  
14       in fact, was convicted of sexual abuse. He's not  
15       convicted of murder. He's not convicted of rape. He's  
16       not convicted of sodomy. He's not convicted of any of  
17       those matters over a D felony. I'm cognizant of the  
18       fact there were several counts. Even, according to  
19       Ms. Johnson, in an informal discussion with the Court  
20       prior to trial, she indicated this was a pattern; all  
21       part of a single group of acts. And so, this is not  
22       anything where it's treated such as a separate crime  
23       because it was a situation which involved a continuance  
24       of certain conduct.

25              And I'm not in any way saying that, conceding

1 Mr. Gopaul's guilt on those issues. Although, the jury  
2 said otherwise.

3 However, I'm asking the Court to consider  
4 that Mr. Gopaul, even assuming the worst here, for over  
5 fourteen years, supported a child and was a father to a  
6 child that was not his. He made that child's life a  
7 happy one, took them on vacations, did things and acted  
8 as a proper father. My client denies having ever  
9 touched her.

10 As a matter of fact, I have photographs and  
11 videos, some of which the Court did not allow me to  
12 introduce, but which I believe the Court saw where the  
13 young lady in question actually took videos of  
14 Mr. Gopaul just as if she were in a very happy  
15 family-related situation. She did not take the videos  
16 under compulsion. She did not take the photographs  
17 under compulsion. She was the person who wanted to do  
18 the photographs and videos. She was conducting the  
19 video in the car. She was conducting the video  
20 laughing at Mr. Gopaul's singing in the car. That is a  
21 person not feeling abused. That is a person enjoying  
22 the conduct of someone that she has feelings for. That  
23 does not show a person who was abused. The  
24 photographs, the video of him on vacation, where she is  
25 taking -- making a video of him at a body of water,

1 Cozumel, some kind of vacation area. Then the father's  
2 day pictures that she composed for Mr. Gopaul. These  
3 are all indications, your Honor, notwithstanding the  
4 current position that she feels this way, but she  
5 cannot trust herself and all this other business.  
6 Those photographs and videos relay that kind of  
7 contention. I'm not saying -- assuming the allegations  
8 to have been proven and true, that Ms. Sana Awan has  
9 not been affected by anything that has transpired  
10 here -- what I'm saying is, he's not convicted of any  
11 crime of rape. He's convicted of a seven-year max  
12 count, per count.

13 I'm respectfully asking the Court to be  
14 merciful to Mr. Gopaul and consider the fact that, in  
15 fact, there is not a three-year period or two-year  
16 period, there's more like a seventeen-year period where  
17 he acted as a father, where he acted and supported the  
18 family, including a young lady, not his daughter, and  
19 acted in a very appropriate way. I'm asking the Court  
20 to consider all of those factors and be merciful with  
21 Mr. Gopaul.

22 THE COURT: Ms. Johnson?

23 MS. JOHNSON: The People's intention was to  
24 stand here and ask for the defendant to be sentenced to  
25 seven years, which would be the maximum, but to run

1 concurrent for each, that was until the People had seen  
2 the probation report and despite the video confession,  
3 despite the victim's testimony, despite the defendant's  
4 counsel standing up at trial indicating this is a  
5 consensual relationship and to this very day the  
6 defendant denies any of the abuse.

7 MR. SCHECTER: Incidentally, I object to that  
8 characterization.

9 MS. JOHNSON: Despite that, all to this day,  
10 he denies each and every allegation which the jury  
11 convicted him on. And although, we're not here to talk  
12 about the Queens case, I think it is relevant he has  
13 not pled in Queens and Ms. Awan would be put through  
14 yet another trial. Something which, after this  
15 verdict, he should at least have mercy on her to not  
16 put her through this again.

17 The Court has been given a copy of Ms. Awan's  
18 victim impact statement, which I would like to read  
19 into the record at her request. She did not want to be  
20 here today. She indicated not only to me, through her  
21 attorney, it would be too much for her to come to court  
22 emotionally, so I have also provided counsel with a  
23 copy of the impact statement and it reads as follows:

24 This experience has impacted me in complex  
25 ways. My relationship with my brother and sister has



1        been especially strained. I have not seen or spoken to  
2        them for seven months. I feel that I missed an  
3        important part of their lives, and it will be hard to  
4        get the relationship back. Now they don't have a  
5        father or big sister. During these difficult times, I  
6        have not been able to support them. The repercussions  
7        have been great. No one knows the truth and there are  
8        rumors about me circulating within the family and in  
9        the neighborhood. I cannot even explain myself to  
10       these people because the legal issues prevent me from  
11       talking about the case. The fact that I'm not there  
12       has changed everything. I miss my brother and my  
13       sister. My mother must have had a difficult time  
14       dealing with everything on her own. I am graduating  
15       and I have no one there to invite.

16                Since I told someone and left the house, I  
17       have not had anyone that I can trust completely or feel  
18       safe with. I am always living in fear. When traveling  
19       to school and home, I am extra cautious and watching my  
20       back to make sure I am not being followed. At first I  
21       would worry that he might come back and hurt me. Now  
22       I'm afraid that his family will want to take revenge  
23       because they don't believe it happened. In fear of my  
24       family finding out where I live, I have to watch what I  
25       say to friends or teachers.

1                   Looking back, I realize what he did to me  
2                   also affected my grades. I know that people thought my  
3                   grades were good throughout my education. Looking at  
4                   my grades over the years, I see my averages have  
5                   significantly decreased in high school when the abuse  
6                   was going on. In school, there were many assemblies  
7                   about abuse and domestic violence, but I was too  
8                   embarrassed to say anything. I was distant from  
9                   everyone. I was sad and conflicted about what to do.  
10                  I felt like two different people. At school, I acted  
11                  like I was happy. At home, I tried to stay in my room  
12                  and keep myself occupied.

13                  I have sought help in dealing with my  
14                  feelings of guilt, sadness and fear. I do not want to  
15                  be pitied, and I want to stop living in fear. I just  
16                  want to feel safe. I want to be assured he won't come  
17                  after me and I leave it to the power of the courts to  
18                  decide the best way to accomplish that.

19                  It's our recommendation the defendant be  
20                  sentenced to a period of seven years per count with two  
21                  counts to run consecutive with the maximum post-release  
22                  supervision.

23                  THE COURT: Okay, Mr. Gopaul, is there  
24                  anything you want to say, sir?

25                  THE DEFENDANT: Yes, your Honor.

1                   Your Honor, I know I was found guilty of the  
2                   crime, but I want you, the Court, to know that in the  
3                   life that we live and the place and the country I came  
4                   from, we always believed in like sex after marriage.  
5                   And in this case, we were trying to protect our  
6                   daughter. We were protecting her from everything that  
7                   she wrote in books, that she had a home, that she  
8                   wanted to do when she was fourteen-years old and trying  
9                   to be protective of her. We never want her to go to  
10                  the deli, run around with kids and make noise in the  
11                  pizza shop and stuff like that. She was to come home.  
12                  That is why my wife wasn't working. Besides, my wife  
13                  is sickly and has to have surgery. She was home with  
14                  the parents.

15                  My daughter can come home and have a home.  
16                  The thing is, she was away from my home since last  
17                  year, June. And not one time did I ever went -- not  
18                  one time I ever go looking for my daughter to cause any  
19                  problems. And I know where she was. We all know where  
20                  she was. I never caused any problem. I know where she  
21                  works, and I never caused any problem. I had to stay  
22                  500 feet away from the other two children. I have  
23                  Kaitlyn and Darien. I'm begging for a plea, your  
24                  Honor. I'm begging because my wife is home, as I wrote  
25                  to you. Right now the business is shut down. No

1 income to my house, none at all.

2 The house, that is still promised to Sana,  
3 that I want to pay for and leave it to Sana. I have  
4 other property that I want to pay off also for the  
5 other children. But I have property that belongs to  
6 Sana, and as I said, she is the one that sacrificed  
7 from the very beginning. I didn't do anything to hurt  
8 Sana. And this accusation from being protective,  
9 turned right back to me. If it turned right back to  
10 me, the accusation, the protective parents we wanted to  
11 be, the thing is, they point right back at us, the  
12 protective parents, and I found guilty of a crime. I  
13 have no proof and no evidence I could prove, and  
14 there's a lot of things that could have been used in  
15 the case and we never used it.

16 And, your Honor, I'm sorry, for what I put  
17 this Court through not understanding my plea bargain.  
18 I'm very sorry for that. I hope that you have it in  
19 your heart to see so much I did for my community, for  
20 my family and to see we will lose everything with my  
21 incarceration. We're going to lose everything. My  
22 wife is -- she is not even licensed to run a business.  
23 She is not licensed to do anything. She won't be able  
24 to pay anybody to do it either. I hope you did have it  
25 in your heart to believe me and to have mercy on me.

1                   THE COURT: You can have a seat, Mr. Gopaul.  
2           Two things strike me about the case and about yourself,  
3           and I have read the letter that was sent to me on your  
4           behalf.

5                   As Mr. Schecter indicated, there are numerous  
6           -- they describe somebody who these various people have  
7           encountered, someone big, a family man, someone  
8           supportive of their family, who worked many jobs to  
9           support their family. But what is particularly  
10          striking, is just the absolute lack of remorse. I  
11          understand that you deny the allegations and that's  
12          notwithstanding the fact that there was a videotape  
13          that was shown here where you -- and the very matter of  
14          fact language described in great detail, in your words,  
15          inappropriate sexual life that you are having with this  
16          stepdaughter of yours that I think began at the age of  
17          somewhere of fourteen or fifteen years of age. And  
18          even in your own words it was not an isolated incident,  
19          but rather it was a repeated course of conduct that  
20          graduated into seriousness to the point where a young  
21          lady, I think of sixteen years of age, literally has to  
22          flee your home in the middle of the night and run to  
23          her friend's house where she had nowhere to go to  
24          escape what was going to be the ultimate step in the  
25          course of your behavior with her, which was to be

1       having sexual intercourse with her. And I think you  
2       even alluded to that in the videotape statement.

3               I will read these letters from these people.  
4       I read your letter here today, and I do feel sympathy,  
5       particularly for your other two children that you had  
6       with your wife. But the fact that you would jeopardize  
7       their lives to gratify your sexual desire is a  
8       conscious decision you made, nobody else made. You  
9       decided to engage in and embark upon this course of  
10      behavior.

11             And another point, at one point in your  
12      letter you talk about your family, talk about the  
13      damage that has been done and will be done to them by  
14      your behavior. And you at one point, to use your  
15      words, say you don't even make reference or even use  
16      the name Sana Awan. You say that this was a small  
17      situation, taken so far. That's what you think of  
18      this.

19             I read these letters from your friends and  
20      from neighbors who describe Sana Awan as some  
21      conniving, manipulating young lady that concocted this  
22      whole web of lives, in their words, to convict you.  
23      And I mean for what? What has happened to this young  
24      lady's world? Did she come into untold amounts of  
25      money? Did she inherit some vast fortune? She's lost

1 everything that she had. She's lost her innocence  
2 because of you. I'm sure she will never be able to,  
3 for the rest of her life, engage in a relationship that  
4 is not going to be compromised and hopefully not to a  
5 great degree by the behavior you've been engaging with  
6 her.

7 Her own mother, her own flesh and blood  
8 abandoned her. It was if she was a piece of garbage  
9 that someone takes and puts in the garbage can, that  
10 puts on the side of the street with the garbage  
11 collector to come and pick up. That's what happened to  
12 this girl. She ended up having to flee to her friend's  
13 house. She is now living in foster care with people  
14 she had no idea who they were. She talks about losing  
15 the relationships she had with brothers and sisters.  
16 And quite frankly, to her credit, she doesn't ask for  
17 vengeance. She doesn't ask for a particular period of  
18 years of jail or anything. But when I look at all of  
19 these letters and even your own letter, I understand in  
20 your probation report that you didn't want to perhaps  
21 acknowledge or make any kind of incriminating statement  
22 in light of the fact you had a case pending in Queens.  
23 I understand that completely, but to not even  
24 acknowledge what has happened to this young girl, is in  
25 my view, just incredible.

1                   And the other thing I'm struck with is your  
2                   arrogance. I think that you felt that this young lady  
3                   was not going to come into court and testify to what  
4                   she testified to. And believe me, the reason you got  
5                   convicted is because of your own conduct. And,  
6                   obviously, a jury felt differently than what you think  
7                   the situation is.

8                   As far as you not knowing what my offer was  
9                   in this case, believe me, Mr. Gopaul, it was made clear  
10                  to you by Mr. Schecter. Quite frankly, you are  
11                  represented by a veteran defense attorney of many  
12                  years, extremely experienced, who did as good a job for  
13                  you, under the circumstances, as he could. He made a  
14                  terrific record throughout the course of the trial,  
15                  pretrial hearings, the preliminary, the trial itself.

16                 I recall you testifying in your own defense,  
17                 if you will, during the pretrial hearings. So  
18                 obviously, in terms of decision-making and strategic  
19                 decisions were concerned, I'm very skeptical of the  
20                 fact of what you claim now, that you were somehow in  
21                 the dark about what was going on with your case. I  
22                 know I made it clear to you what you were facing, that  
23                 you were facing seven years in jail maximum on each  
24                 count; that at one point the DA's office was offering  
25                 you probation, which you refused. I quite frankly



1 think you thought she wasn't going to come in here and  
2 testify. And, guess what? You were wrong. You see,  
3 by that time she was -- had broken free from your  
4 grasp, if you will, and whatever power you had over her  
5 all those years. What you thought was never going to  
6 get revealed, was no longer there. There's a reason  
7 you ran down to that 105 Precinct when you woke up to  
8 find your daughter was no longer in the room. And  
9 believe me, Mr. Gopaul, it wasn't because you were  
10 worried she was on the street corner somewhere. You  
11 were worried that she was down in some police precinct,  
12 somewhere telling people what had gone on with you for  
13 the last seven years.

14 So I have a great deal of sympathy for your  
15 family, particularly for your children. For the life  
16 of me I can't understand why your wife, who was the  
17 mother of this young daughter, would turn her back on  
18 her. But that's a decision that obviously she will  
19 have to live with for the rest of her life. And  
20 hopefully, Ms. Awan, at the next milestone in her  
21 life -- unlike her recent high school graduation where  
22 she couldn't have somebody there to share in the  
23 achievement of graduating high school -- hopefully, as  
24 time goes on in her life, there will be other people  
25 there that will support her, not victimize her like you

1 did in the position as a stepfather.

2 It is the judgment of this Court for the  
3 crime of sex abuse in the first degree, 14 counts,  
4 under Indictment 2415N of 2008, for which you stand  
5 convicted after trial, you are hereby sentenced on  
6 count one to a determinate term of seven years  
7 incarceration with a period of five years post-release  
8 supervision.

9 With respect to counts two through thirteen,  
10 you are hereby sentenced to a period of incarceration  
11 of seven years and five years post-release supervision,  
12 concurrent on each count and that sentence under counts  
13 two through thirteen are to run concurrent with the  
14 sentence imposed on count one.

15 Finally, with count number fourteen, you are  
16 hereby sentenced to five years determinate term of  
17 incarceration, with a period of five years post-release  
18 supervision. And this sentence is to run consecutively  
19 to the remaining counts.

20 With regard to the mandatory surcharge and  
21 crime victims' assistance fee, you are hereby required  
22 to pay a mandatory surcharge of \$250, a crime victims'  
23 assistance fee of \$20, DNA database fee of \$50, and an  
24 additional \$50 sex offense registration fee, as well a  
25 \$1,000 supplemental sex offender victim fee that is to

1 be collected by civil judgment.

2 And finally, you have, as I understand, the  
3 order of protection for Sana Awan, and you are hereby  
4 committed to New York State Department of Correctional  
5 Services to be dealt with according to law.

6 MR. SCHECHTER: With respect to the fines and  
7 the crime victims' fee and so forth, my client will be  
8 incarcerated for a long period of time, and as his  
9 family now is destitute, the wife doesn't work, I ask  
10 the Court if it's possible to waive those fees or have  
11 them picked up by the state.

12 THE COURT: That's why I had them collected  
13 by civil judgment.

14 THE CLERK: I have served as a copy of the  
15 permanent order of protection on the defendant and  
16 defense counsel, a protective order.

17 MS. JOHNSON: Acknowledge receipt.

18 MR. SCHECTER: Acknowledge receipt.

19 THE CLERK: Mr. Gopaul, you have the right to  
20 appeal from sentence and these proceedings. If you  
21 wish to appeal, you must file a notice of appeal with  
22 the Clerk of the Court within 30 days. If you cannot  
23 afford a lawyer or the minutes of these proceedings,  
24 you may make an application to the Appellate Division  
25 which will, upon being satisfied that you cannot afford

1 the same, order that an attorney be appointed and the  
2 minutes provided without any charge to you. Your  
3 lawyer is directed by the Court to advise you in full  
4 and to take whatever necessary steps indicated in this  
5 regard.

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The foregoing is hereby certified to be a true and  
10 accurate transcript of the proceedings as transcribed  
11 from the stenographic notes.

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KAREN M. MASLER  
Senior Court Reporter

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